Remarks/Arguments

A.   Pending Claims

Claims 1, 5, 6, 10, 14-21, 23, 24, 28, 29, 33, 34, 37-44, 46-57 and 60-69 have been amended. Claims 12, 35 and 58 have been cancelled. Claims 70-72 have been added. Claims 1-11, 13-34, 36-57 and 59-72 are pending in the case.

B.   Claim Objections

The Examiner objected to claims 6, 29 and 52 because they did not end with a period. Claims 6, 29 and 52 have been amended to each include a period.

The Examiner objected to claims 7, 30 and 53 under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner suggests that claim 5 recites a "database" and claim 1 recites "returning a result of the performed action to the user system," and that thus the recited features of "sending information about the insurance claim in the database to the user system" is not further limiting. (*See* Office Action, page 2). Applicant respectfully disagrees. Claim 7 describes specifically the claimed "action," including what is sent (e.g., information about the insurance claim) and how it is sent (e.g., sending information in the database to the user system). Applicant respectfully submits that claim 7 further limits the subject matter of a previous claim and is of proper dependent form. Applicant submits that claim 30 and 53 are proper for similar reasons.

The Examiner objected to claims 8, 31, and 54 under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner suggests that claim 5 recites a "database" and claim 1 recites "receiving a message from the user system," and that thus the recited features of "receiving information about an insurance claim to store in the database" is not further limiting. (*See* Office Action, pages 2-3). Applicant respectfully disagrees. Claim 8 describes specifically the claimed "action," including what is received (e.g., information

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about an insurance claim) and where it is to be stored (e.g., to store in the database). Applicant respectfully submits that claim 8 further limits the subject matter of a previous claim and is of proper dependent form. Applicant submits that claim 31 and 54 are proper for similar reasons.

The Examiner objected to claims 14, 15, 37, 38, 60 and 61 under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner suggests that the use of an "if" statement is not limiting if the alternative condition is not addressed. Applicant respectfully disagrees. The claims clearly define an action if a specific condition is met. Accordingly, the claims limit what course of action is taken when a given event occurs. In other words, if a condition is met, a specific course of action is followed. Applicant submits that the conditional features further limit the subject matter of the claims, and thus claims 14, 15, 37, 38, 60 and 61 are of proper dependent form.

C.   35 U.S.C. § 101

The Examiner rejected claim 1 under 35 U.S.C. § 101. Applicant disagrees with these rejections. Among other things, previously presented claim 1 recited in part: "performing an action using the insurance claim processing system". (emphasis added) For at least this reason, claim 1 is at least tied to another statutory class (apparatus). Nevertheless, to expedite prosecution of the application, Applicant has amended claim 1 to recite additional features that include the use of "a computer of the insurance claim processing system." Amendments to the claims are supported by Applicant's specification at least on page 16, lines 4-27. Applicant submits that amended claim 1 is directed to statutory subject matter.

The Examiner rejected claims 47-69 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Examiner suggested that the recited "carrier medium" is not clearly a method, apparatus, article, or composition of matter. To expedite prosecution of the application, Applicant has amended claim 47 to recite: "A

computer readable storage medium comprising program instructions stored thereon." Applicant submits that amended claim 47 and the claims depending therefrom are directed to statutory subject matter.

For at least the reasons stated above, Applicant respectfully requests removal of the rejections under 35 U.S.C. § 101.

D.   35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 16, 17, 19, 39, 40, 42, 62, 63, and 65 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 16, 17, 39, 40, 62, and 63, the Examiner states:

> Applicant teaches "the parsed message" but there is not antecedent basis for this limitation in the claims. For the purposes of examination, it is understood that the parsed message is the assessed message as taught and covered in claim 1.
> (Office Action, page 5)

Applicant has amended the claims to recite "the received XML message." Applicant submits that the amended claims have proper antecedent basis.

With regard to claims 19, 42, and 65, the Examiner states:

> each contains "and/or" langue in reference to elements of the claim rendering it unclear as to what aspects Applicant is attempting to claim. For the purposes of examination, the Examiner will interpret "and/or" to mean "or".
> (Office Action, page 5)

Applicant submits that "and/or" may refer to one or both of the claimed settlement date and the claimed settlement amount. In an effort to further clarify certain features, Applicant has amended the claim to recite "or".

Applicant submits that the amended claims are proper under 35 U.S.C. § 112. For

at least the reasons stated above, Applicant respectfully requests removal of the rejections under 35 U.S.C. § 112, second paragraph.

E.   The Claims are Not Anticipated by Ivanovich Pursuant To 35 U.S.C. § 102(b)

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by the Internet and Web browsing (i.e., "surfing") as taught by "How the Web Works - Part 1 ", Heating, Piping, and Air Conditioning. Cleveland: Feb 1997. Vol. 69 pg. 82) by Michael G. Ivanovich ("Ivanovich").

The standard for "anticipation" is one of fairly strict identity.   To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claim 1

Amended claim 1 recites a combination of features including:

> the computer system of the insurance claim processing system
> assessing the received XML message using a data structure
> language, the assessing comprising:
>> parsing the received XML message in accordance with the
>> XML schema used by the insurance claims processing system;
>> and
>> comparing a portion of the parsed XML message to an
>> XML file that defines allowable XML data types to validate the
>> received XML message;

With regard to claim 1, the Examiner states:

> Ivanovich teaches a method for processing insurance claims
> between a user system and an insurance claim processing system,
> comprising:

> --*receiving a message from the user system* (see: Ivanovich,
> "Web protocols" section, is met by "connection, request");

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--assessing the received message using a data structure language (see: Ivanovich, "Web protocols" section, is met by "HTML");

--performing an action using the insurance claim processing system (see: Ivanovich, "Surfing defined" section, is met by "a response is generated"), *wherein the action performed is an action requested in the received message (see: Ivanovich,* "Surfing defined" section, is met by "(the requested Web page)"), *and wherein the action is performed in response to the insurance claim processing system receiving the message* (see: Ivanovich, "Surfing defined" section, is met by "(the requested Web page)", repose was generated due to received request);
(Office Action, page 6).

Ivanovich describes generally how the internet ("web") works. In the "Web protocols" section, Ivanovich describes protocols as being "very similar to using the library system." Ivanovich describes four steps that are the kernel of "surfing", including: connection, request, response, and disconnection. Ivanovich also describes web pages in terms of Hypertext Markup Language (HTML). In the "Surfing defined" section, Ivanovich describes routing a user request to an appropriate server on the internet, and the server generating a response. Ivanovich describes web pages and links displayed in a browser. Ivanovich thus appears to provides a general description of how the internet ("web") works. Ivanovich does not, however, appear to disclose at least the features of: "assessing the received XML message using a data structure language, the assessing comprising: parsing the received XML message in accordance with the XML schema used by the insurance claims processing system; and comparing a portion of the parsed XML message to an XML file that defines allowable XML data types to validate the received XML message", in combination with other features of claim 1.

For at least the reasons stated above, Applicant submits that claim 1 is allowable over the cited art.

Independent Claims 24 and 47

Amended claims 24 and 27 each recite a combination of features including:

assessing the received XML message using a data structure language, assessing comprising:

parsing the received XML message in accordance with the XML schema used by the insurance claims processing system; and

comparing a portion of the parsed XML message to an XML file that defines allowable XML data types to validate the received XML message;

For at least the reasons discussed above with respect to claim 1, Applicant submits that claims 24 and 27 are allowable over the cited art.

F.   The Claims are Not Anticipated by Srinivasan Pursuant To 35 U.S.C. § 102(b)

The Examiner rejected of claims 1, 14, and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Pub. No. 2007/0214020 to Srinivasan ("Srinivasan"). Applicant respectfully disagrees for at least the following reasons.

Independent Claim 1

The Examiner states:

As per claim 1, Srinivasan teaches a method for processing insurance claims between a user system and an insurance claim processing system, comprising:
   --*receiving a message from the user system* (Fig. 3)(see: Srinivasan, paragraph
      34);
   --*assessing the received message using a data structure language (Fig. 3)(see:* Srinivasan, paragraphs 30 and 35);

(Office Action, page 7)

The cited portions of Srinivasan state:

[0030] The transformation store 212 contains a model data definition tool (e.g., an XML schema definition tool) to create a definition of the data model 210 (e.g., in an XML schema file) and to customize the data model 210 when requested by adding custom data fields to the data model 210. The transformation store 212 also contains transformations for transforming information

received from the business systems 204 to the format used by the data model 210, and vice versa. For example, an automobile insurance policy class may include a globally unique identifier for each automobile insurance policy. A transformation for a business system that does not use globally unique identifiers may need to access an identification server to determine the globally unique identifier for each automobile insurance policy. The transformations may be specified as a computer program, an XML Stylesheet Language Transform (OXSL TO), etc.

. . .

[0034] Referring to FIG. 3, process 300 begins with processing logic receiving a request from a source system to send an insurance product data to a target system (processing block 302). For example, insurance product data may be data associated with a new policy application, a source system may be a front-end application used by an insurance agent or an insurance company employee, and a target system may be an insurance company's rate engine for determining policy coverages.

[0035] Next, processing logic identifies the insurance product type of the insurance product data sent by the source system (processing block 304). The insurance product type may be the automobile insurance policy type, the life insurance policy type, the property insurance policy type, the insurance product quote type, etc. (Srinivasan, para. [0030], [0034]-[0035])

Srinivasan describes transformation of information received from one system (e.g., a business system 204) to a format used by at data model (data model 210, which may be defined in an XML schema file) and vice versa. FIG. 3 of Srinivasan relates to receiving from a source system, a request to send an insurance product data to a target system (processing block 302). Processing block 306 transforms the insurance product data into a common format provided by a corresponding insurance product type class of the insurance product data model. Accordingly, Srinivasan appears to disclose transforming information to common format used by a data model. Srinivasan does not appear to disclose at least the feature of: "assessing the received XML message using a data structure language, the assessing comprising: parsing the received XML message in accordance with the XML schema used by the insurance claims processing system; and

comparing a portion of the parsed XML message to an XML file that defines allowable XML data types to validate the received XML message", in combination with other features of claim 1.

For at least the reasons stated above, Applicant submits that claim 1 is allowable over the cited art.

Independent Claims 24 and 47

Amended claims 24 and 27 each recite a combination of features including:

> assessing the received XML message using a data structure language, assessing comprising:
>> parsing the received XML message in accordance with the XML schema used by the insurance claims processing system; and
>> comparing a portion of the parsed XML message to an XML file that defines allowable XML data types to validate the received XML message;

For at least the reasons discussed above with respect to claim 1, Applicant submits that claims 24 and 27 are allowable over the cited art.

Dependent Claims 14 and 15

Amended claim 14 recites a combination of features including:

> wherein assessing the received XML message using a data structure language further comprises comparing the received XML message to a predefined XML format, and discarding the received XML message if the received XML message is not in the predefined XML format.

Amended claim 15 recites a combination of features including:

> wherein assessing the received XML message using a data structure language further comprises comparing the received XML message to a predefined XML format, and returning an error message to the user system if the received message is not in the predefined XML format.

The Examiner states:

As per claim 14, Srinivasan teaches the invention as claimed, see discussion of claim 1, and further teaches:

--wherein if the received message is not in a predefined XML format, the received message is ignored.

Examiner considers the situation in which the message is in a predefined XML format. Nothing is performed by the limitation.

…As per claim 15, Srinivasan teaches the invention as claimed, see discussion of claim 1, and further teaches:

--wherein if the received message is not in a predefined XML format, an error message is returned to the user system.

Examiner considers the situation in which the message is in a predefined XML format. Nothing is performed by the limitation.

(Office Action, pages 7-8)

Applicant respectfully disagrees. Applicant submits that the previously submitted claims 14 and 15 recites taking a specific action (e.g., ignoring a message or returning an error message) when a specific condition is met (e.g., when the received message is not in a predefined XML format). Although Applicant does not agree with the Examiner's position, Applicant believes the rejection is moot in view of the current amendments to the claims. Moreover, the cited art does not appear to teach or suggest at least the features of: "wherein assessing the received XML message using a data structure language further comprises comparing the received XML message to a predefined XML format, and discarding the received XML message if the received XML message is not in the predefined XML format" or "wherein assessing the received XML message using a data structure language further comprises comparing the received XML message to a predefined XML format, and returning an error message to the user system if the received message is not in the predefined XML format."

For at least the reasons stated above, Applicant submits that claims 14 and 15 are allowable over the cited art.

Dependent Claims 37, 38, 60 and 61

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Amended claims 37 and 60 each recite a combination of features including:

> wherein assessing the received XML message using a data structure language comprises comparing the received XML message to a predefined XML format, and discarding the received XML message if the received XML message is not in the predefined XML format

Amended claims 38 and 61 each recite a combination of features including:

> wherein assessing the received XML message using a data structure language comprises comparing the received XML message to a predefined XML format, and returning an error message to the user system if the received XML message is not in the predefined XML format

For at least the reasons discussed above with respect to claims 14 and 15, Applicant submits that claims 37, 38, 60 and 61 are allowable over the cited art.

G. New Claims

New claims 1, 24, and 47 each recite a combination of features including: "wherein the XML schema is defined by at least a Web Service Description Language (WSDL) document and an XML document that define one or more actions that a user can invoke and a structure of XML data required to invoke the one or more actions." Applicant submits that at least these features, in combination with other features of the claims, are not taught or suggested by the cited art.

H.   <u>**Additional Remarks**</u>

Based on the above, Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5053-69100/EBM.

Respectfully submitted,

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Date: _April 22, 2009_